

1 R. Joseph Trojan CA Bar No. 137,067  
 2 trojan@trojanlawoffices.com  
 3 TROJAN LAW OFFICES  
 4 9250 Wilshire Blvd., Suite 325  
 5 Beverly Hills, CA 90212  
 6 Telephone: 310-777-8399  
 7 Facsimile: 310-777-8348  
**Attorneys for Plaintiff,**  
**PHOENIX SOLUTIONS, INC.**

8 Daralyn J. Durie CA Bar No. 169,825  
 9 Eugene M. Paige CA Bar No. 202,849  
 10 Ryan M. Kent CA Bar No. 220441  
 11 Sandeep Mitra CA Bar No. 244054  
 12 KEKER & VAN NEST, LLP  
 13 710 Sansome Street  
 14 San Francisco, CA 94111-1704  
 15 Telephone: 415-391-5400  
 16 Facsimile: 415-397-7188  
**Attorneys for Defendant**  
**WELLS FARGO & COMPANY**

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

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 19 PHOENIX SOLUTIONS, INC., a  
 20 California corporation,

21 Plaintiff,

22 v.

23 WELL'S FARGO & COMPANY, a  
 24 Delaware corporation,

25 Defendant.

26 Case No. CV08-0863MHP

27 **STIPULATION AND [PROPOSED]**  
**ORDER TO FILE AMENDED**  
**COMPLAINT**

28 **STIPULATION AND [PROPOSED]**  
**ORDER TO FILE AMENDED**  
**COMPLAINT**

CASE NO. CV08-0863 MHP

1 Phoenix Solutions, Inc. (hereinafter "Phoenix") and Wells Fargo & Company  
2 through their undersigned counsel, hereby move the Court for, and stipulate to, an  
3 order permitting Phoenix to file an amended complaint for the purpose of  
4 substituting "Wells Fargo Bank, N.A." for "Wells Fargo & Company."

5 Further, Counsel for Defendant stipulates to accept service through the  
6 Court's electronic case filing system. Pursuant to Federal Rule of Civil Procedure  
7 15(a)(3), Wells Fargo Bank, N.A.'s answer to the amended complaint shall be filed  
8 within 10 days from the date of the Order permitting the amended complaint to be  
9 filed.

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11 **IT IS SO STIPULATED**

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1 Respectfully submitted,  
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3 TROJAN LAW OFFICES  
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6 Date: April 22, 2008  
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R. Joseph Trojan  
Attorney for Plaintiff,  
PHOENIX SOLUTIONS, INC.

KEKER & VAN NEST

Date: April 22, 2008  
/s/Eugene M. Paige  
Daralyn J. Durie  
Eugene M. Paige  
Ryan M. Kent  
Sandeep Mitra  
Attorneys for Defendant,  
WELLS FARGO & COMPANY

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this e-filed document.

/s/R. Joseph Trojan  
R. Joseph Trojan  
Attorney for Plaintiff,  
PHOENIX SOLUTIONS, INC.

## ORDER

Upon the stipulation of counsel for all parties, the Request to file an amended complaint is hereby granted.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 4/23/2008

